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**FACSIMILE TRANSMITTAL**

**TO:**

**FROM:**

**Name:** Office of Patent Publication  
Certificate of Corrections Branch

**Name:** Thomas H. Martin

**Firm:** U.S. Patent & Trademark Office

**Phone No.:** 330-877-2277

**Fax No.:** 571-273-8300

**No. of Pages (including this):** 11

**Subject:** Request for Certificate of Correction  
U.S. Patent No. 7,534,254

**Date:** June 18, 2009

Issued: May 19, 2009

Gary Karlin Michelson

THREADED FRUSTO-CONICAL INTERBODY  
SPINAL FUSION IMPLANTS

Attorney Docket No.: 101.0053-00000

Customer No. 22882

Certificate

JUN 19 2009

of Correction

**Confirmation Copy to Follow: No**

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**Message:**

**CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8**

I hereby certify that the attached Request for Certificate of Correction with 1 page of Form PTO/SB/44 and 7 sheets of supporting documents are being facsimile transmitted to the U.S. Patent and Trademark Office on June 18, 2009.

  
Sandra L. Blackmon

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PATENT  
Attorney Docket No. 101.0053-00000  
Customer No. 22882

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re U.S. Patent of: )  
Gary Karlin Michelson ) (Serial No.: 08/480,908)  
Patent No.: 7,534,254 )  
Issue Date: May 19, 2009 ) (Filed: June 7, 1995)  
For: THREADED FRUSTO-CONICAL )  
INTERBODY SPINAL FUSION )  
IMPLANTS )

JUN 18 2009

Certificate of Correction Branch  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**REQUEST FOR CERTIFICATE OF CORRECTION**

Pursuant to 35 U.S.C. § 254 and 37 C.F.R. § 1.322, this is a request for the issuance of a Certificate of Correction in the above-identified patent. Two (2) copies of Form PTO/SB/44 are appended. The complete Certificate of Correction involves one (1) page.

The mistakes identified in the appended Form occurred through the fault of the Patent Office, as clearly disclosed by the records of the application which matured into this patent, and as evidenced in the attached copies of the following documents:

1. Pages 3 and 4 of the Form PTO-1449 filed with the July 9, 1997 Information Disclosure Statement showing the correct listing of the various references;
2. Page 2 of the Form PTO-1449 filed with the September 23, 2003 Information Disclosure Statement showing the correct listing of the Harmon reference;
3. Pages 3 and 4 of the Form PTO-1449 filed with the January 14, 1999 Information Disclosure Statement showing the correct listing of the various references; and
4. Pages 3 and 18 of the December 4, 2007 Amendment showing the correct language of issued claims 14 and 163 (pending claims 15 and 172, respectively).

Issuance of the Certificate of Correction containing the correction is earnestly requested.

Respectfully submitted,

MARTIN & FERRARO, LLP

Dated: June 18, 2009

By:   
Thomas H. Martin  
Registration No. 34,383

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UNITED STATES PATENT AND TRADEMARK OFFICE  
CERTIFICATE OF CORRECTION

PATENT NO. : 7,534,254  
APPLICATION NO. : 08/480,908  
ISSUE DATE : May 19, 2009  
INVENTOR(S) : Gary Karlin Michelson

Page 1 of 1

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Cover Page 1, Section (56) References Cited, U.S. Patent Documents:

Column 1, line 2: change "1,137,858" to -- 1,137,585 --; and  
Column 2, line 2: change "Moreira" to -- De G. Moreira --.

Cover Page 2, Section (56) References Cited, U.S. Patent Documents:

Column 1, line 18: change "3,720,595" to -- 3,720,959 --.

Cover Page 3, Section (56) References Cited, Foreign Patent Documents:

Column 1, line 2: delete "DE 26 46 039 4/1975".

Cover Page 4, Section (56) References Cited, Other Publications:

Column 1, line 9: change "Compnay" to -- Company --;  
Column 1, line 22: change "Orthopaedics" to -- Orthopaedics --;  
Column 1, line 55: change "Debowes" to -- DeBowes --;  
Column 1, line 56: change "Reseach" to -- Research --; and  
Column 2, line 6: change "Conventry" to -- Coventry --.

Column 9, Line 46:

Change "and a means" to -- and means --.

Column 16, Line 39:

Change "substances" to -- substance --.

Mailing Address of Sender:  
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PATENT NO. 7,534,254

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OMB No. 0651-0011

INFORMATION DISCLOSURE CITATION  
(Use several sheets if necessary)

Atty. Docket No. P-12552		Serial No. 08/408,908					
Applicant Gary K. Michelson, M.D.							
Filing Date June 7, 1995		Group 3301					
U.S. PATENT DOCUMENTS							
Examiner Initial*	Document Number	Date	Name	Class	Sub Class	Filing Date if Appropriate	
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Application No. 08/480,908  
Amendment dated December 4, 2007  
Reply to Office Action of November 27, 2006

9. (previously presented) The spinal fusion implant of claim 1 in which said body has a plurality of openings for retaining fusion promoting material.

Claim 10. (cancelled).

11. (previously presented) The spinal fusion implant of claim 1 in which said thread has a thread radius measured from the longitudinal central axis of said implant, said thread radius being variable along the length of said implant.
12. (previously presented) The spinal fusion implant of claim 1 in which said thread has a thread height measured from said body which is variable along the length of said implant.
13. (previously presented) The spinal fusion implant of claim 1 in which said thread beyond said insertion end has a thread height measured from said body which is substantially constant along the length of said implant.
14. (previously presented) The spinal fusion implant of claim 1 in which said body comprises a porous material.
15. (previously presented) The spinal fusion implant of claim 1 in which said body has an internal chamber and means for accessing said internal chamber.
16. (previously presented) The spinal fusion implant of claim 15 in which said internal chamber is capable of containing fusion promoting material.
17. (previously presented) The spinal fusion implant of claim 15 in which said body includes a wall surrounding said internal chamber.
18. (previously presented) The spinal fusion implant of claim 17 in which said wall has a plurality of openings passing therethrough in communication with said internal chamber.
19. (previously presented) The spinal fusion implant of claim 15 in which said body has means for closing said accessing means.
20. (previously presented) The spinal fusion implant of claim 16 in which said body has means for closing said accessing means.
21. (original) The spinal fusion implant of claim 1 in which said implant includes an engagement means for engaging instrumentation for the insertion of said

Application No. 08/480,908  
Amendment dated December 4, 2007  
Reply to Office Action of November 27, 2006

171. (previously presented) The spinal fusion implant of claim 69, further in combination with a fusion promoting substance.
172. (previously presented) The spinal fusion implant of claim 171, wherein said fusion promoting substance is bone morphogenetic protein.
173. (previously presented) The spinal fusion implant of claim 171, wherein said fusion promoting substance includes hydroxyapatite.
174. (previously presented) The spinal fusion implant of claim 171, wherein said fusion promoting substance includes hydroxyapatite tricalcium phosphate.
- Claim 175. (cancelled).
176. (previously presented) The spinal fusion implant of claim 171, wherein said fusion promoting substance is bone.
177. (previously presented) The spinal fusion implant of claim 108, further in combination with a fusion promoting substance.
178. (previously presented) The spinal fusion implant of claim 177, wherein said fusion promoting substance is bone morphogenetic protein.
179. (previously presented) The spinal fusion implant of claim 177, wherein said fusion promoting substance includes hydroxyapatite.
180. (previously presented) The spinal fusion implant of claim 177, wherein said fusion promoting substance includes hydroxyapatite tricalcium phosphate.

Claim 181. (cancelled).

182. (previously presented) The spinal fusion implant of claim 177, wherein said fusion promoting substance is bone.
183. (previously presented) A fusion device for facilitating arthrodesis in the disc space between adjacent vertebrae, comprising:

an elongated body having a length and an outer surface extending along said length, said outer surface including a pair of oppositely disposed arcuate portions and a pair of substantially flat portions extending between said pair of arcuate portions, said pair of arcuate portions defining external threads extending substantially entirely along said length of said body, said pair of